

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable W. Richard Lee
Bankruptcy Judge
Fresno, California

Thursday, September 23, 2004

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS
DEPARTMENT B - FRESNO

1. The following rulings are tentative. The matter will be called and the court's final ruling will generally be placed on the record at the end of the calendar. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Matters resolved without oral argument:

If the moving party has received a response or is aware of any reason, such as a settlement, that a timely opposition may not have been filed, the moving party must contact Marlene Verdialez, the Calendar Clerk, at (559) 498-7220 by 5:00 p.m. the day before the scheduled hearing.

Moving party shall submit an appropriate form of order. When the debtor's discharge has been entered, proposed orders for relief from stay must reflect that the motion is dismissed as to the debtor and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the court's intended ruling together with the proposed stipulation and order resolving the matter.

3. The court will not continue short cause evidentiary hearings scheduled below.

4. If a matter is denied without prejudice for any reason set forth below, the moving party shall file a new motion or objection to claim with a new docket control number. It may not simply re-notice the original motion.

9:30 A.M.

5. [04-11065](#)-B-11 WATERMAN INDUSTRIES, INC. HEARING - MOTION FOR
WLG #55 AUTHORITY TO PAY EMPLOYEE
DEBTOR RETENTION PAYMENTS TO KEY
EMPLOYEES [[679](#)]

GREGORY POWELL/Atty. for dbt.

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

6. [04-11065](#)-B-11 WATERMAN INDUSTRIES, INC. HEARING - APPLICATION FOR
WLG #57 PAYMENT OF INTERIM FEES AND/OR
WALTER LAW GROUP EXPENSES [[656](#)]

RILEY WALTER/Applicant

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

7. [04-11065](#)-B-11 WATERMAN INDUSTRIES, INC. HEARING - APPLICATION FOR
WLG #58 PAYMENT OF INTERIM FEES AND/OR
PATHWAY STRATEGIC PARTNERS LLC EXPENSES [[642](#)]

KENNETH LEDDON, APPLICANT

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

8. [04-11065](#)-B-11 WATERMAN INDUSTRIES, INC. HEARING - APPLICATION FOR
WLG #59 PAYMENT OF INTERIM FEES AND/OR
BOLEN, FRANSEN & RUSSELL LLP EXPENSES [[649](#)]

HAL BOLEN, II/Applicant

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

10:30 A.M.

1. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D HEARING - PLAINTIFF'S
[03-1413](#) WLG #4 REQUEST FOR ENTRY OF DEFAULT
GREG BRAUN, PLAN AGENT, VS. JUDGMENT [[17](#)]

WILLY CREEK RANCH

8/26
ADELA ITURREGUI/Atty. for pl.

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

11:00 A.M.

1. [01-19647](#)-B-11 COAST GRAIN COMPANY FINAL PRE-TRIAL CONFERENCE
[03-6008](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANT

IMPERIAL WESTERN PRODUCTS, INC.

7/15
JUSTIN HARRIS/Atty. for pl.
JAMES JACKSON/Atty. for def.

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

2. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D HEARING - PLAINTIFF'S
[03-1721](#) WLJ #4 REQUEST FOR ENTRY OF DEFAULT
GREG BRAUN, CH. 11 TRUSTEE, VS. JUDGMENT [22]

E C S DAIRY PRODUCTS, INC.

7/29
ADELA ITURREGUI/Atty. for pl.

The motion shall be granted for cause shown without oral argument. The court's records indicate that no timely written opposition has been filed.

1:00 P.M.

1. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-6028](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANT

WILBUR ELLIS CO.

3/18
ADELA ITURREGUI/Atty. for pl.
BRUCE OWDOM/Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to November 5, 2004, at 2:30 p.m. No appearance is necessary.

2. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1553](#) [1]
GREG BRAUN, CH. 11 TRUSTEE, VS. CONT'D ANSWER BY DEFENDANTS

DOUBLE L. CATTLE COMPANY, RICK L.

GORZEMAN, LANEEL G. GORZEMAN, ETC.
3/18

BRADLEY SILVA/Atty. for pl.
STEPHEN WADE/Atty. for def.

This appears to be a "prepay" case. The status conference will be continued to December 16, 2004, at 2:00 p.m., to be heard with the other "prepay" cases. No appearance is necessary.

3. [01-19647](#)-B-11 COAST GRAIN COMPANY
[03-1488](#)
GREG BRAUN, CH. 11 TRUSTEE, VS.

CONT'D STATUS CONFERENCE ON
FIRST AMENDED COMPLAINT
[[19](#)]
CONT'D ANSWER BY DEFENDANTS

HAROLD BOLLEMA DAIRY AND
NORTHERN CALIFORNIA HOLSTEINS, INC.
3/18
BRADLEY SILVA/Atty. for pl.
RICHARD ANDERSON/Atty. for def.

This appears to be a "prepay" case. The status conference will be continued to December 16, 2004, at 2:00 p.m., to be heard with the other "prepay" cases. No appearance is necessary.

4. [01-19647](#)-B-11 COAST GRAIN COMPANY
[03-1991](#)
GREG BRAUN, PLAN AGENT, VS.

CONT'D STATUS CONFERENCE
[[1](#)]
CONT'D ANSWER BY DEFENDANT

CAL BY PRODUCTS

3/18
ADELA ITURREGUI/Atty. for pl.
JULIE STODOLKA/Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to November 5, 2004, at 2:30 p.m. No appearance is necessary.

2:00 P.M.

1. [01-19647](#)-B-11 COAST GRAIN COMPANY
[03-6011](#)
GREG BRAUN, PLAN AGENT, VS.

CONT'D STATUS CONFERENCE
[[1](#)]
CONT'D ANSWER BY DEFENDANT

AJB RANCH / MAPLE DAIRY

3/18
ADELA ITURREGUI/Atty. for pl.
CHARLES MELTON/Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to November 5, 2004, at 2:30 p.m. No appearance is necessary.

2. [01-19647](#)-B-11 COAST GRAIN COMPANY
[03-1617](#)
GREG BRAUN, CH. 11 TRUSTEE, VS.

CONT'D STATUS CONFERENCE
[[1](#)]
CONT'D ANSWER BY DEFENDANTS

WESTWIND DAIRY, ROBERT T. VAN

HOFWEGAN, ET AL.

3/18

BRADLEY SILVA/Atty. for pl.

GEOFFREY KHOTIM/Atty. for def.

This appears to be a "prepay" case. The status conference will be continued to December 16, 2004, at 2:00 p.m., to be heard with the other "prepay" cases. No appearance is necessary.

3. [01-19647](#)-B-11 COAST GRAIN COMPANY
[03-6022](#)
GREG BRAUN, PLAN AGENT, VS.

CONT'D STATUS CONFERENCE

[[1](#)]

CONT'D ANSWER BY DEFENDANT

WINCHESTER GRAIN CO.

6/17/04 STIPULATION FOR
DISMISSAL OF ADVERSARY
PROCEEDING

3/18

ADELA ITURREGUI/Atty. for pl.

ERIC SPARKS/Atty. for def.

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

4. [01-19647](#)-B-11 COAST GRAIN COMPANY
[03-6025](#)
GREG BRAUN, PLAN AGENT, VS.

CONT'D STATUS CONFERENCE

[[1](#)]

CONT'D ANSWER BY DEFENDANTS

ROBERT VANDER EYK, AND INTERWEST
COMMODITIES, INC.

3/18

JUSTIN HARRIS/Atty. for pl.

GARY PHILLIPS/Atty. for def.

This appears to be a "prepay" case. The status conference will be continued to December 16, 2004, at 2:00 p.m., to be heard with the other "prepay" cases. No appearance is necessary.

5. [01-19647](#)-B-11 COAST GRAIN COMPANY
[03-6030](#)
GREG BRAUN, PLAN AGENT, VS.

CONT'D STATUS CONFERENCE

[[1](#)]

CONT'D ANSWER BY DEFENDANT

ROGERS FARMS, INC.

3/18

ADELA ITURREGUI/Atty. for pl.

WILLIAM HANCOCK, JR./Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to November 5, 2004, at 2:30 p.m. No appearance is necessary.

6. [01-19647](#)-B-11 COAST GRAIN COMPANY
[03-6031](#)
GREG BRAUN, PLAN AGENT, VS.

CONT'D STATUS CONFERENCE

[[1](#)]

CONT'D ANSWER BY DEFENDANT

LAND O'LAKES/FARMLAND FEED

3/18

ADELA ITURREGUI/Atty. for pl.

DIANE MASON/Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to November 5, 2004, at 2:30 p.m. No appearance is necessary.

7. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1934](#) [1]

GREG BRAUN, PLAN AGENT, VS.

COMMODITY SPECIALISTS COMPANY

6/14/04 STIPULATION FOR
DISMISSAL OF ADVERSARY
PROCEEDING

3/18

ADELA ITURREGUI/Atty. for pl.

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

8. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1935](#) [1]

GREG BRAUN, PLAN AGENT, VS.

CARGILL INCORPORATED AND
INTERMOUNTAIN CANOLA

7/13/04 NOTICE OF DISMISSAL
OF ADVERARY PROCEEDING

3/18

ADELA ITURREGUI/Atty. for pl.

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

9. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1936](#) [1]

GREG BRAUN, PLAN AGENT, VS.

J.R. SIMPLOT

CONT'D ANSWER BY DEFENDANT

6/28/04 STIPULATION FOR
DISMISSAL OF ADVERSARY
PROCEEDING

3/18

ADELA ITURREGUI/Atty. for pl.

JOHN KURTZ, JR./Atty. for def.

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

10. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-6038](#) [1]

GREG BRAUN, PLAN AGENT, VS.

CONT'D ANSWER BY DEFENDANTS

DUTCH STAR DAIRY, DYKSTRA FAMILY
DAIRY, THEODORE J. DYKSTRA, ET AL.

3/18

BRADLEY SILVA/Atty. for pl.

TRES PORTER/Atty. for def.

This appears to be a "prepay" case. The status conference will be continued to December 16, 2004, at 2:00 p.m., to be heard with the other "prepay" cases. No appearance is necessary.

11. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1942](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANT

BENSON QUINN, CO.

3/18
ADELA ITURREGUI/Atty. for pl.
NADINE YOUSSEF/Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to November 5, 2004, at 2:30 p.m. No appearance is necessary.

12. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-6042](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANTS

K & F DAIRY, JAMES E, KUHN AND
THOMAS FERRIERA
3/18
BRADLEY SILVA/Atty. for pl.
KATHLEEN CASHMAN-KRAMER/Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to October 15, 2004, at 2:00 p.m. No appearance is necessary.

13. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1853](#) [1]
GREG BRAUN, CH. 11 TRUSTEE, VS. CONT'D ANSWER BY DEFENDANT

VERIZON CALIFORNIA

3/18
ADELA ITURREGUI/Atty. for pl.
RENE LASTRETO, II/Atty. for def.

7/20/04 STIPULATION FOR
DISMISSAL OF ADVERSARY
PROCEEDING

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

14. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1955](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANT

SOUTHERN CALIFORNIA GAS CO.

3/18
ADELA ITURREGUI/Atty. for pl.
RAUL OLAMENDI SMITH/Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to November 5, 2004, at 2:30 p.m. No appearance is necessary.

15. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1860](#) [1]
GREG BRAUN, CH. 11 TRUSTEE, VS. CONT'D ANSWER BY DEFENDANT

VERIZON WIRELESS GA

3/18
ADELA ITURREGUI/Atty. for pl.
MARK HOULE/Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to November 5, 2004, at 2:30 p.m. No appearance is necessary.

16. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1961](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANT

THECO INTERNATIONAL, INC. 8/31/04 STIPULATION FOR
DISMISSAL OF ADVERSARY
PROCEEDING

3/18
ADELA ITURREGUI/Atty. for pl.
DAVID JENKINS/Atty. for def.

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

17. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-6061](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANT

MORENO VALLEY DAIRY

3/18
ADELA ITURREGUI/Atty. for pl.
RICHARD ANDERSON/Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to November 5, 2004, at 2:30 p.m. No appearance is necessary.

18. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-6063](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANT

VAN RIJN DAIRY 9/15/04 STIPULATION FOR
DISMISSAL OF ADVERSARY
PROCEEDING

3/18
ADELA ITURREGUI/Atty. for pl.
JOSEPH HORSWILL/Atty. for def.

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

19. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1976](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANT

WESTWAY TRADING CORP. 8/6/04 STIPULATION FOR
DISMISSAL OF ADVERSARY
PROCEEDING

3/18
ADELA ITURREGUI/Atty. for pl.

ROBERT BRUMFIELD/Atty. for def.

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

20. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1978](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANT

CALVA PRODUCTS, INC. 8/3/04 STIPULATION FOR
DISMISSAL OF ADVERSARY
3/18 PROCEEDING
ADELA ITURREGUI/Atty. for pl.
REID EVERETT/Atty. for def.

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

21. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1890](#) [1]
GREG BRAUN, CH. 11 TRUSTEE, VS. CONT'D ANSWER BY DEFENDANT

ARCHERS DANIELS MIDLAND
COMPANY
3/18
ADELA ITURREGUI/Atty. for pl.
NADINE YOUSSEF/Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to November 5, 2004, at 2:30 p.m. No appearance is necessary.

22. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1996](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANT

ASSOCIATED FEED 8/24/04 STIPULATION FOR
DISMISSAL OF ADVERSARY
3/18 PROCEEDING
ADELA ITURREGUI/Atty. for pl.
MICHAEL DINI/Atty. for def.

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.

23. [01-19647](#)-B-11 COAST GRAIN COMPANY CONT'D STATUS CONFERENCE
[03-1997](#) [1]
GREG BRAUN, PLAN AGENT, VS. CONT'D ANSWER BY DEFENDANT

DEBRUCE GRAIN INC. 5/11/04 STIPULATION FOR
DISMISSAL OF ADVERSARY
3/18 PROCEEDING
ADELA ITURREGUI/Atty. for pl.
DONALD CRAM, III/Atty. for def.

The adversary proceeding having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no

appearance is necessary.

24. [01-19647](#)-B-11 COAST GRAIN COMPANY
[03-6098](#)
GREG BRAUN, PLAN AGENT, VS.

CONT'D STATUS CONFERENCE
[[1](#)]
CONT'D ANSWER BY DEFENDANT

WESTERN MILLING LLC

3/18
ADELA ITURREGUI/Atty. for pl.
GARY PHILLIPS/Atty. for def.

This adversary proceeding will be referred to Judge Brett Dorian. The status conference will be continued to November 5, 2004, at 2:30 p.m. No appearance is necessary.